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| APPLICATION NO.  | FILING DATE        | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |              |               |  |  |
|--|--------------------|-------------------------|--|------------------|--------------|---------------|--|--|
| 10/751,236   | 01/02/2004         | Arjun Chandrasekar Iyer | SBL0011C2US  | 3832             |              |               |  |  |
| 60975<br>CSA LLP<br>4807 SPICEWOOD SPRINGS RD.<br>BLDG. 4, SUITE 201<br>AUSTIN, TX 78759 | 7590<br>01/11/2007 |                         | <table border="1"><tr><td>EXAMINER</td></tr><tr><td>ALI, MOHAMMAD</td></tr></table>                      |                  | EXAMINER     | ALI, MOHAMMAD |  |  |
| EXAMINER   |                    |                         |  |                  |              |               |  |  |
| ALI, MOHAMMAD  |                    |                         |  |                  |              |               |  |  |
|  |                    |                         | <table border="1"><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2166</td><td></td></tr></table> | ART UNIT         | PAPER NUMBER | 2166          |  |  |
| ART UNIT   | PAPER NUMBER       |                         |  |                  |              |               |  |  |
| 2166   |                    |                         |  |                  |              |               |  |  |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 01/11/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/751,236

Applicant(s)

IYER ET AL.

Examiner

Mohammad Ali

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 116-144 is/are pending in the application.
- 4a) Of the above claim(s) 1-115 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 116-144 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The application has been examined and claims 116-144 are pending in this office action. Claims 1-115 have been cancelled.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 117-127, 129-132, 134-136, 138-140, and 142-144 are rejected under 35 U.S.C. 101

the claimed invention is directed to non-statutory subject matter. Because claims language includes "if the comparing indicates the number of instances is much larger" then a result will be generate. How about if not what will be the result?

In the claim 129,

the claimed invention does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter); or the claimed invention is directed to a judicial exception to 35 U.S.C. 101 (i.e., an abstract idea, natural phenomenon, or law of nature) and is not directed to a practical application of such judicial exception (e.g., because the claim does not require any physical transformation and the invention as

claimed does not produce a useful, concrete, and tangible result); or the claimed invention would impermissibly cover every substantial practical application of, and thereby preempt all use of, an abstract idea, natural phenomenon, or law of nature.

A processor or memory is required in order to have a real world value.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 116-144 are rejected under 35 U.S.C. 102(e) as being anticipated by Baumgartner et al. ('Baumgartner' hereinafter)USPGPUB, 2005/0022115.

With respect to claim 116

Baumgartner teaches method comprising:

selecting a set of instances from a set of data (para. 0267, Baumgartner);

determining a number of related records in a set of related records of a table, wherein each record of the set of related records is related to one instance of the set of instances (paras. 0099, 0570, Baumgartner); and

comparing the number of related records and a number of instances in the set of instances prior to generating a set of select statements to select the set of related records from the table (para. 0579, Baumgartner).

As to claim 117

Baumgartner teaches wherein

if the comparing indicates that the number of instances is much larger,

generating the set of select statements to include one select statement to select the set of related records from the table (paras. 0579, 0624 Baumgartner), wherein

the one select statement includes a clause to select a corresponding record for each instance of a set comprising a maximum number of instances of the set of instances (para. 0624, Baumgartner), and

the maximum number of instances is determined by a maximum number of clauses in the one select statement (para. 0625, Baumgartner).

As to claim 118

Baumgartner teaches wherein

the number of instances is much larger when a ratio between the number of instances and the number of related records is larger than a specified value (para. 0438, Baumgartner).

As to claim 119

Baumgartner teaches wherein the specified value is 7 (para. 0438, Baumgartner).

As to claim 120

Baumgartner teaches executing the one select statement;  
after executing the one select statement, determining a set of respective operations to perform on the table (para. 0077, Baumgartner), wherein  
each respective operation of the set of respective operations affects a respective record in the table (para. 0186, Baumgartner), and  
each respective record corresponds to one instance of the set comprising the maximum number of instances (para. 0365, Baumgartner); and  
generating a set of SQL statements to perform each respective operation of the set of respective operations, wherein the set of SQL statements does not join the table to another table (para. 0106, Baumgartner).

As to claim 121

Baumgartner teaches wherein each respective operation is one of an update operation to update an existing record in the table and an insert operation to insert a new record in the table (para. 0215, Baumgartner).

As to claim 122

Baumgartner teaches executing the set of SQL statements to provide the respective record in the table for each instance of the set comprising the maximum number of instances (para. 0106, Baumgartner).

As to claim 123

Baumgartner teaches wherein the generating the one select statement comprises constructing a select clause to select a record from a plurality of records in the table (para. 0267, Baumgartner), wherein

the record has identifying data for one instance of the set comprising the maximum number of instances (para. 0393, Baumgartner); and concatenating to the select clause a respective OR clause to select a subsequent record for each subsequent instance of the set comprising the maximum number of instances excluding the one instance (paras. 0365, 0393, Baumgartner).

As to claim 124

Baumgartner teaches wherein the determining the respective operation for a first instance of the set comprising the maximum number of instances (para. 0365, Baumgartner) comprises:

comparing respective data in each respective record of a plurality of records in the table to identifying data for the first instance (para. 0291, Baumgartner); and if the identifying data for the first instance matches the respective data of a

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first record of the plurality of records, determining that the respective operation for the first instance is the update operation (para. 0393, Baumgartner);

and

if the identifying data for the first instance does not match the respective data of any record of the plurality of records, determining that the respective operation for the first instance is the insert operation (para. 0186, Baumgartner).

As to claim 125

Baumgartner teaches wherein

the generating the set of SQL statements further comprises

if the respective operation is the update operation,

adding an update statement to the set of SQL statements to update the first

record using instance data from the first instance (para. 0106, Baumgartner).

As to claim 126

Baumgartner teaches wherein

the generating the set of SQL statements further comprises

if the respective operation is the insert operation,

adding an insert statement to the set of SQL statements to insert a second

record into the table using instance data from the first instance (para. 0106, Baumgartner).

As to claim 127

Baumgartner teaches wherein

if the comparing indicates that the number of instances is not much larger;



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generating the set of select statements to include one select statement for each instance of the set of instances (para. 0365, Baumgartner);  
executing each statement of the set of select statements prior to generating a subsequent select statement of the set of select statements (para. 0570, Baumgartner).

As to claim 128

Baumgartner teaches wherein the determining the number of related records is performed without selecting the set of related records from the table (paras. 0534, 0546, Baumgartner).


Claims 129-144 have the same subject matter and essentially rejected for the same reasons as discussed above.

**Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mohammad Ali  
Primary Examiner  
Art Unit 2166

MA  
January 6, 2007